

REFERENCE: P/17/585/FUL

APPLICANT: One 2 One Therapy c/o Mango Planning & Development Ltd,
Number One Waterton Park, Waterton, Bridgend CF31 3PH

LOCATION: **Nodor House, South Road, Bridgend Industrial Estate
Bridgend CF31 3PT**

PROPOSAL: Change of use to Class D1 Physiotherapy clinic and studio

RECEIVED: 7 July 2017

SITE INSPECTED: 6 March 2017

DESCRIPTION OF PROPOSED DEVELOPMENT

This application seeks retrospective consent for the change of use from an ancillary office to Class D1 (physiotherapy clinic and studio), as defined by the Town and Country Planning (Use Classes) Order 1987, at Nodor House, South Road, Bridgend.

The site has recently been vacated by South Wales Police who were utilising the area as office space (Class B1). The site is now being utilised by the applicant as a physiotherapy studio and clinic without the benefit of planning permission. This application seeks to regularise the use of the site.

The clinic employs nine members of staff, five full-time and four part-time, and operates between the hours of 8:00am and 8:00pm Monday to Friday and 8:00am to 1:00pm on Saturdays, Sundays and Bank Holidays. There are no external changes proposed as part of this planning application.

SITE DESCRIPTION

The application site is located within the Primary Key Settlement of Bridgend, as defined by Bridgend County Borough Council's Local Development Plan (2013). The site is within Bridgend Industrial Estate, which is an allocated Employment Site (REG1(2)) and is protected for employment development falling within B1, B2 and B8 use classes.

The site comprises a two storey building finished in red and brown facing-brick, with a flat roof. All windows and doors are white uPVC. The clinic occupies a ground floor unit. The car parking area is located to the South of the building with access directly off South Road.

RELEVANT HISTORY

Application Reference	Description
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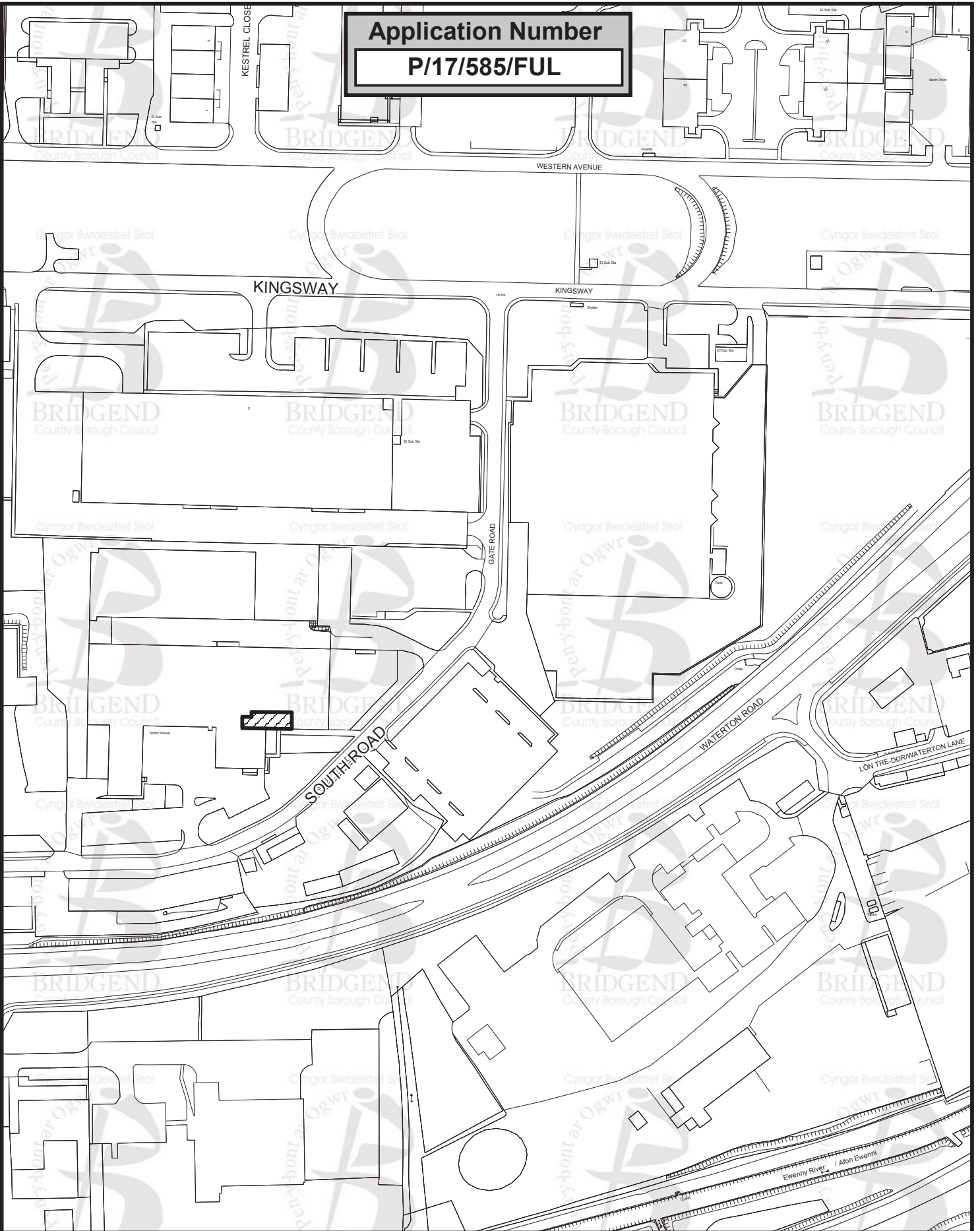
P/17/44/FUL	Change of use from ancillary office to clinic within Class D1	Refused
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Refused 24/04/2017 for the following reason:

The proposed use is not considered ancillary or complementary to the main employment activity of the premises and as such, the proposal is contrary to Policies REG1 and REG2 of the Local Development Plan (2013), and guidance contained within Supplementary Planning Guidance Note 21 Safeguarding Employment Sites.

Application Number

P/17/585/FUL



Scale 1:2,500

Date Issued:
01/11/2017

Development-Mapping
Tel: 01656 643176

Mark Shephard

Corporate Director-Communities

Communities Directorate,
Bridgend County Borough
Council, Civic Offices,
Angel Street,
Bridgend CF31 4WB.

O:/Drive/Plandraw/new MI layouts/
Committee DC Plan

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PUBLICITY

This application has been advertised through direct neighbour notification and the erection of a site notice. The application was also advertised in the local press as a 'departure'. No representations have been received within the consultation period which expired on 29 September 2017.

CONSULTATION RESPONSES

CONSULTEE

Land Drainage
24 July 2017

COMMENTS

No objection to the proposal subject to the imposition of the recommended informative notes.

Economic Development
4 August 2017

Supports the application.

Transportation, Policy and
Development Section
3 October 2017

No objection subject to the imposition of the recommended planning condition.

RELEVANT POLICIES

The relevant policies and supplementary planning guidance are highlighted below:

Bridgend Local Development Plan 2013 (LDP)

Policy PLA1	Settlement Hierarchy and Urban Management
Policy SP2	Design and Sustainable Place Making
Policy PLA11	Parking Standards
Policy SP9	Employment and the Economy
Policy REG1	Employment Sites
Policy REG2	Protection of Identified Employment Sites

Supplementary Planning Guidance 21(SPG21) Safeguarding Employment Sites

In the determination of a planning application, regard should also be given to the requirements of National Planning Policy which are not duplicated in the Local Development Plan. The following Welsh Government Planning Policy is relevant to the determination of this planning application:

Planning Policy Wales Chapter 3	Making and Enforcing Planning Decisions
Planning Policy Wales Chapter 4	Planning for Sustainability
Planning Policy Wales Chapter 7	Economic Development
Planning Policy Wales Chapter 10	Retail and Commercial Development
Planning Policy Wales TAN 4	Retail and Commercial Development
Planning Policy Wales TAN 23	Economic Development

APPRAISAL

The application is referred to the Development Control Committee as the proposal is for a non 'B' use within an industrial area and as such represents a departure from the Local Development Plan and is recommended for approval.

The application site is located within Bridgend Industrial Estate which is allocated and protected for employment development falling within Classes B1, B2 and B8 by Policy REG1(2) of the LDP.

Policy REG2 protects identified employment sites unless the proposed use can be described as being complementary and/or ancillary to the wider use of the Industrial Estate.

The LDP policies are augmented by SPG 21, which provides further guidance on non 'B' uses within protected industrial areas and indicates that consideration will be given to the following:-

- The nature of the use proposed and whether it is considered as ancillary to the functioning of the industrial estate;
- Existing ancillary uses already operating (or recently benefiting from planning consent) on the employment site;
- The size of the employment site and its ability to sustain the proposed use; and
- An assessment of the potential impact on nearby retail centres.

Whilst SPG21 is predominantly concerned with D2 (assembly and leisure uses), reference is also made to other non 'B' uses including food and drink (A3) and retail (A1). The list of alternative uses highlighted is 'not exhaustive' and the criteria can also be used to consider other uses including the current proposal.

The previous proposal under application P/17/44/FUL was refused on the basis that the use was neither ancillary nor complementary to the main employment activity of the premises thus being contrary to the LDP.

Additional information has been submitted in support of the current application, which includes a detailed Planning Statement, supporting letters from the property owner, marketing agents, the site operator a customer survey and a sequential assessment of available sites in the town centre and edge of centre area.

The submitted information identifies that the 'physiotherapy clinic and studio' has a number of specific operational requirements, in particular appropriate DDA compliant surface level access as well as parking spaces outside the premises for clients. The sequential test rules out the currently available town centre and edge of centre sites on the grounds of inappropriate unit size (either too small or too big), viability grounds and lack of appropriate access and parking spaces.

Applying the criteria above it is clear that the use is not necessarily ancillary to the functioning of the industrial estate, however, it is considered that the lack of available alternative sites within the town centre and edge of centre area provides some justification to depart from the LDP policy in this particular case. Also, it is considered that given the size of the site in comparison to the overall industrial area there will be no material dilution of the business purpose or offer of the Bridgend Industrial Estate. Subject to the imposition of a planning condition which limits the use of the site to a 'physiotherapy clinic and studio' only, the application is therefore considered to be acceptable in principle. The condition is necessary as an open D1, which includes other uses may not be supported in this location without due consideration.

The proposed change of use will not impact the character or appearance of the building, or wider area in physical terms, as no external alterations are proposed as part of this development. As such, the design of the proposal is not considered to be material in this instance.

Turning to the issue of highway safety, the Highway Officer requested additional information so that a greater understanding of the parking requirements for the site could be established.

Further information by way of a scheme demonstrating a car parking layout for 15 car parking spaces with turning facility at the site was submitted and the Transportation, Policy and Development Section has no objection to the proposal and the application is considered to be compliant with Policy PLA11 of the LDP and is acceptable in terms of highway safety.

Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with sustainable development principles to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5).

The well-being goals identified in the Act are:

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh language
- A globally responsible Wales

The duty has been considered in the assessment of this application. It is considered that there will be no significant or unacceptable impacts upon the achievement of wellbeing goals/objectives as a result of the proposed development.

CONCLUSION

Planning Law dictates that applications must be determined in accordance with the development plan unless material circumstances dictate otherwise. In this case it is considered that the information submitted in support of the current application including the sequential test is material to the determination of the application and has been taken into account during the consideration of the proposal. The re-submitted application has also allowed a further, more detailed assessment of the proposal following the earlier decision. Notwithstanding the previous refusal, in light of the additional information in planning terms the principle of development can be considered to be acceptable albeit contrary to LDP policies and furthermore if allowed the proposal will not result in the material dilution of the function of wider industrial estate.

The proposal is also considered to be appropriate in all other respects including highway safety.

The application is therefore recommended for approval, subject to conditions and informative notes as it is general compatible with Development Plan policies relating to employment.

RECOMMENDATION

- A. The application be referred to Council as a proposal that is a departure from the Development Plan that the Development Control Committee are not disposed to refused based on the supporting information submitted with the application, the

limited scale of the premises, the use of a physiotherapy clinic and studio only, the sequential assessments of alternative sites and the operational requirements of the business.

B. If Council resolve to approve the proposal, the following conditions be included on the retrospective consent (R64):-

1. The premises shall be used as a physiotherapy clinic and studio only and for no other purpose including any other purpose in class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

Reason: To retain effective control over the use of the site.

2. The physiotherapy clinic and studio shall only operate within Suite 3 of Nodor House, as shown on the Site Location Plan and Floor Plan received on 7 July 2017.

Reason: To avoid doubt and confusion as to the nature and extent of the approved development.

3. Within 1 month of the date of consent, the parking area shall be completed in permanent materials with the individual spaces clearly demarcated in permanent materials in accordance with the layout plan received on 10 October 2017. The parking area shall be maintained as such in perpetuity.

Reason: In the interest of highway safety.

4. * THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

No surface water should discharge to the public highway.

No land drainage run-off should discharge (either directly or indirectly) into the public sewerage system.

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES
Background Papers - None